

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wei Fan DOCKET: YOR920030392US1 (872B-652)

SERIAL NO: 10/723,206 GROUP ART UNIT: 2168

FILED: November 26, 2003 EXAMINER: Oni, Olubusola

FOR: INDEX STRUCTURE FOR SUPPORTING STRUCTURAL XML QUERIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT UNDER §1.132

Examiner:

This is in response to the Office Action dated October 6, 2006 and is accompanied by an Amendment under 35 U.S.C. §1.111.

The undersigned do hereby declare:

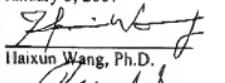
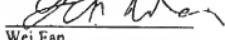
1. Under 37 CFR 1.132, the inventorship of the application is correct.
2. The reference discloses subject matter derived from the applicant rather than invented by the author of the published application notwithstanding the authorship of the published application (see *In re Katz*, 687 F.2d 450, 455, 215 USPQ 14, 18 (CCPA 1982)).
3. Sanghyun Park (hereinafter Mr. Park) was a post-doctoral employee of International Business Machines Corporation between 2000 and 2003. Mr. Park's involvement with the

invention was limited to the implementation thereof and determination of performance results.

4. The methods and apparatus claimed in the application are solely the product of the named inventors; Mr. Park was tasked only in the implementation and determination of performance results.

5. Under such circumstances the Examiner is respectfully urged to withdraw the reference from consideration as prior art.

January 3, 2007


Haixun Wang, Ph.D.

Wei Fan

Philip S. Yu